

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZACHARY JOHNSON,

Plaintiff,

v.

COUNTY OF KERN, et al.,

Defendants.

Cas No.: 1:20-CV-01062-NONE-JLT

SCHEDULING ORDER¹ (Fed. R. Civ. P. 16)

Pleading Amendment Deadline: 1/15/2021

Discovery Deadlines:

Initial Disclosures: 1/15/2021

Non-Expert: 6/21/2021

Expert: 10/12/2021

Mid-Discovery Status Conference:
2/17/2021 at 8:30 a.m.

Non-Dispositive Motion Deadlines:

Filing: 12/30/2021

Hearing: 2/10/2022

Dispositive Motion Deadlines:

Filing: 3/23/2022

Hearing: 4/20/2022

Pre-Trial Conference:

8/22/2022 at 8:30 a.m.

Courtroom 4

I. Pleading Amendment Deadline

Any requested pleading amendments are ordered to be filed, either through a stipulation or

¹ Because of this Court's General Order 612 and because the Court finds the joint report adequately sets forth the information for the scheduling order, the scheduling conference is VACATED.

1 motion to amend, no later than **January 15, 2021**.

2 **II. Discovery Plan and Cut-Off Date**

3 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
4 on or before **January 15, 2021**.

5 The parties are ordered to complete all discovery pertaining to non-experts on or before **June**
6 **21, 2021** and all discovery pertaining to experts on or before **October 12, 2021**.

7 The parties are directed to disclose all expert witnesses, in writing, on or before **July 20, 2021**,
8 and to disclose all rebuttal experts on or before **August 23, 2021**. The written designation of retained
9 and non-retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C)**
10 **and shall include all information required thereunder**. Failure to designate experts in compliance
11 with this order may result in the Court excluding the testimony or other evidence offered through such
12 experts that are not disclosed pursuant to this order.

13 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts
14 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions
15 included in the designation. Failure to comply will result in the imposition of sanctions, which may
16 include striking the expert designation and preclusion of expert testimony.

17 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement
18 disclosures and responses to discovery requests will be strictly enforced.

19 A mid-discovery status conference is scheduled for **February 17, 2021** at 8:30 a.m. before the
20 Honorable Jennifer L. Thurston, U.S. Magistrate Judge, located at 510 19th Street, Bakersfield,
21 California. Counsel SHALL file a joint mid-discovery status conference report one week before the
22 conference. Counsel also SHALL lodge the status report via e-mail to JLTorders@caed.uscourts.gov.
23 The joint statement SHALL outline the discovery counsel have completed and that which needs to be
24 completed as well as any impediments to completing the discovery within the deadlines set forth in this
25 order. **Counsel SHALL discuss settlement and certify that they have done so.** Counsel may appear
26 via teleconference by dialing (888) 557-8511 and entering Access Code 1652736, provided the
27 Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the intent to appear
28 telephonically no later than five court days before the noticed hearing date.

1 **III. Pre-Trial Motion Schedule**

2 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
3 than **December 30, 2021²** and heard on or before **February 10, 2022**. Non-dispositive motions are
4 heard before the Honorable Jennifer L. Thurston, United States Magistrate Judge at the United States
5 Courthouse in Bakersfield, California.

6 **No motion to amend or stipulation to amend the case schedule will be entertained unless it**
7 **is filed at least one week before the first deadline the parties wish to extend.** Likewise, no written
8 discovery motions shall be filed without the prior approval of the assigned Magistrate Judge. A party
9 with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by
10 agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly
11 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the
12 obligation of the moving party to arrange and originate the conference call to the court. To schedule
13 this telephonic hearing, the parties are ordered to contact the Courtroom Deputy Clerk, Susan Hall, at
14 (661) 326-6620 or via email at SHall@caed.uscourts.gov. **Counsel must comply with Local Rule 251**
15 **with respect to discovery disputes or the motion will be denied without prejudice and dropped**
16 **from the Court's calendar.**

17 Counsel may appear and argue non-dispositive motions via teleconference by dialing (888) 557-
18 8511 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk
19 receives a written notice of the intent to appear telephonically no later than five court days before the
20 noticed hearing date.

21 All dispositive pre-trial motions shall be filed no later than **March 23, 2022** and heard no later
22 than **April 20, 2022**, in Courtroom 4 at 8:30 a.m. In scheduling such motions, **counsel shall comply**
23 **with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

24 **IV. Motions for Summary Judgment or Summary Adjudication**

25 **At least 21 days before** filing a motion for summary judgment or motion for summary
26 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues
27

28

² Non-dispositive motions related to non-expert discovery SHALL be filed within a reasonable time of
discovery of the dispute, but not later than 30 days after the expiration of the non-expert discovery deadline.

1 to be raised in the motion.

2 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
3 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole
4 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
5 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
6 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

7 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed
8 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of
9 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be
10 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint
11 statement of undisputed facts.

12 In the notice of motion the moving party **SHALL** certify that the parties have met and conferred
13 as ordered above, or set forth a statement of good cause for the failure to meet and confer. **Failure to**
14 **comply may result in the motion being stricken.**

15 **V. Pre-Trial Conference Date**

16 **August 22, 2022** at 8:30 a.m. in Courtroom 4.

17 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
18 The parties are further directed to submit a digital copy of their pretrial statement in Word format by
19 email at noneorders@caed.uscourts.gov.

20 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the
21 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.
22 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
23 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the
24 Court to explain the nature of the case to the jury during voir dire.

25 **VI. Settlement Conference**

26 The parties may request a settlement conference by stipulation, if they believe a conference is
27 likely to resolve some or all of the case.
28

VII. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten Trial

Not applicable at this time.

VIII. Related Matters Pending

There are no pending related matters.

IX. Compliance with Federal Procedure

All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently handle its increasing case load and sanctions will be imposed for failure to follow both the Federal Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

X. Effect of this Order

The foregoing order represents the best estimate of the court and counsel as to the agenda most suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by subsequent status conference.

The dates set in this order are firm and will not be modified absent a showing of good cause even if the request to modify is made by stipulation. Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the relief requested.

Failure to comply with this order may result in the imposition of sanctions.

IT IS SO ORDERED.

Dated: October 23, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE